IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1080 of 2007

CRIME NO.136/2006 OF PERUNAD POLICE STATION

PETITIONER/ACCUSED

K.R.RAJENDRAN, MULLASSERIL HOUSE,
VADASSERIKKARA VILLAGE, CHERUKULANJI,
RANNI.

BY ADV. SRI.S.SANTOSH KUMAR (PERUNAD)

RESPONDENTS: COMPLAINANT

STATE OF KERALA,D REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1080/2007

Dated this 26th day of February, 2007

O R D E R

The petitioner who is the first accused in Crime No.136/2006 of Perunad Police Station for offences punishable under Sections 406, 465, 467, 471 and 484 IPC read with Section 34 IPC and also under Sections 20 and 21 of the Kerala River Banks Protection and Sand Mining (Regulation) Act, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application submitting, inter alia, that the the second accused who is the driver of the petitioner, the owner of the mini lorry, had on 26.10.2006 produced a pass issued by the Geology Department for enabling transport of sand and the said pass, on verification with the Geology Department, was found to be forged. The second accused, the driver of the petitioner, had confessed that the pass was entrusted to him by the petitioner.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the

petitioner to surrender before the Investigating Officer for interrogation and then seek regular bail from the Magistrate concerned.

4. Accordingly the petitioner is directed to surrender before the Investigating Officer on any date between 5.3.2007 and 7.3.2007 for the purpose of custodial interrogation and the recovery of incriminating materials, if any. Thereafter, the petitioner shall be produced on the same day before the Magistrate having jurisdiction, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same day on which it is filed.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs